

UNITED STATES OF AMERICA)
)
v.) No. 2:04-CR-070
)
MARIO ANTOINE GRAVES)

This case is before the court on the defendant’s *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) [doc. 115], as supplemented by a motion from counsel [doc. 117]. The United States has filed a memorandum in response deferring to the court’s discretion. The Probation Office has provided a “Memorandum Regarding Retroactivity Amendment 750,” to which neither the defendant nor the government has responded.

In February 2008, the defendant filed a *pro se* § 3582(c) motion based on Amendment 706 to the crack cocaine guidelines [doc. 103]. By order dated July 20, 2010 [doc. 106], the court granted the motion, reducing the defendant's sentence to 324 months (total offense level 36, criminal history category VI, guideline range 324 to 405 months).

According to the Bureau of Prisons, the defendant is currently scheduled for release on November 23, 2027.

Applying Amendment 750, the defendant's new guideline range is 262 to 327 months (total offense level 34, criminal history category VI). Neither the prosecution nor the Probation Office has identified any reason why the defendant should not be granted a further reduction in his sentence.

It is therefore **ORDERED** that the defendant's current § 3582(c) motions [docs 115, 117] are **GRANTED**, and his sentence is reduced to **262 months**. Except as provided above, all provisions of the judgment dated August 26, 2005, shall remain in effect. The defendant's "Motion to Expedite Ruling on Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)" [doc. 124] is **DENIED AS MOOT**.

ENTER:

s/ Leon Jordan
United States District Judge